

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

NORTHWEST SHEET METAL WORKERS
ORGANIZATIONAL TRUST; DOUG HAPPE, PETER
FLUETSCH, BARON DERR, DENNIS KATSEL, JEFF
STOWE, AARON BAILEY, JIM REYNOLDS and TIM
CARTER, Trustees of the Northwest Sheet Metal Workers
Organizational Trust; NORTHWEST SHEET METAL
WORKERS WELFARE FUND; RANDY FRISBEE, BARON
DERR, JERRY KINSLEY, BRENT MOORE, JOHN
GARRETT, TIM CARTER, RICK SCHRADER, JOHN
CARTER, RIC TENNESON and JOHN MERK, Trustees of
Northwest Sheet Metal Workers Welfare Fund; NORTHWEST
SHEET METAL WORKERS PENSION FUND; ROBERT M.
CARLTON, JR., JOHN GARRETT, JOHN CARTER, JOHN
MERK, DOUG NUGENT, JERRY FREEL, RIC TENNESON,
BOB HIGHTOWER, TIM CARTER, and BRENT MOORE,
Trustees of Northwest Sheet Metal Workers Pension Fund;
NORTHWEST SHEET METAL WORKERS
SUPPLEMENTAL PENSION TRUST; ROBERT M.
CARLTON, JR., JOHN GARRETT, JOHN CARTER, JOHN
MERK, DOUG NUGENT, JERRY FREEL, RIC TENNESON,
BOB HIGHTOWER, Trustees of Northwest Sheet Metal
Workers Supplemental Pension Trust; WESTERN
WASHINGTON SHEET METAL TRAINING TRUST; DOUG
NUGENT, TIM CARTER, DARYL HOOD, BRIAN
FLUETSCH, DEAN FOX, DAVE GOUGH, TIM CARTER,
JEFF STOWE, LANCE DEYETTE and MARK RIKER,
Trustees of Western Washington Sheet Metal Training Trust;
NORTHWEST SHEET METAL LABOR MANAGEMENT
COOPERATION TRUST; AARON BAILEY, TIM CARTER,
JEFF STOWE, JOHN GUNDLACH, JUNE NAILLON and
DEAN FOX, Trustees of Northwest Sheet Metal Labor
Management Cooperation Trust and SHEET METAL
WORKERS LOCAL 66,

No.

**COMPLAINT FOR
MONIES DUE AND
FOR INJUNCTIVE
RELIEF**

COMPLAINT - 1

LAW OFFICES OF
Robblee Detwiler & Black

2101 FOURTH AVENUE, SUITE 1000
SEATTLE, WA 98121
(206) 467.6700 • FAX (206) 467-7589

Plaintiffs,

v.

S.Q.I., INC.,

Defendant.

JURISDICTION AND VENUE

1. This is an action brought pursuant to Section 301 of the National Labor Relations Act, as amended (hereafter "the Act"), 29 U.S.C. § 185, and Section 502 of the Employee Retirement Income Security Act of 1974 (hereafter "ERISA"), 29 U.S.C. § 1132. Jurisdiction and venue are conferred upon this Court by 29 U.S.C. § 185(a), 1132(a), (e) and (f).

PARTIES

2. Plaintiff NORTHWEST SHEET METAL WORKERS ORGANIZATIONAL TRUST (hereafter "Northwest Organizational Trust") is a labor-management trust fund created pursuant to the provisions of Section 302(c) of the Act, 29 U.S.C. § 186(c), and authorized to sue in its own name by Section 502(d)(1) of ERISA, 29 U.S.C. § 1132(d)(1). Plaintiff Northwest Organizational Trust is administered in the State of Washington from its place of business at 118 North Lewis Street, Suite 110, Monroe, WA 98272.

3. Plaintiffs DOUG HAPPE, PETER FLUETSCH, BARON DERR, DENNIS KATSEL, JEFF STOWE, AARON BAILEY, JIM REYNOLDS and TIM CARTER (hereafter "Northwest Organizational Trust Trustees") are the Trustees of plaintiff Northwest Organizational Trust. They have been appointed and qualified as trustees pursuant to the Trust Agreement establishing plaintiff Northwest Organizational Trust.

1 4. Plaintiff NORTHWEST SHEET METAL WORKERS WELFARE FUND
2 (hereafter “Welfare Trust”) is a labor-management health and welfare trust fund created pursuant
3 to the provisions of Section 302(c) of the Act, 29 U.S.C. § 186(c), and authorized to sue in its
4 own name by Section 502(d)(1) of ERISA, 29 U.S.C. § 1132(d)(1). Plaintiff Welfare Fund is
5 administered in the State of Washington.

6 5. Plaintiffs RANDY FRISBEE, BARON DERR, JERRY KINSLEY, BRENT
7 MOORE, JOHN GARRETT, TIM CARTER, RICK SCHRADER, JOHN CARTER, RIC
8 TENNESON and JOHN MERK (hereafter “Welfare Trustees”) are the Trustees of plaintiff
9 Welfare Fund. They have been appointed and qualified as trustees pursuant to the Trust
10 Agreement establishing plaintiff Welfare Fund.

11 6. Plaintiff NORTHWEST SHEET METAL WORKERS PENSION FUND
12 (hereafter “Pension Trust”) is a labor-management pension trust fund created pursuant to the
13 provisions of Section 302(c) of the Act, 29 U.S.C. § 186(c), and authorized to sue in its own
14 name by Section 502(d)(1) of ERISA, 29 U.S.C. § 1132(d)(1). Plaintiff Pension Fund is
15 administered in the State of Washington.

16 7. Plaintiffs ROBERT M. CARLTON, JR., JOHN GARRETT, JOHN CARTER,
17 JOHN MERK, DOUG NUGENT, JERRY FREEL, RIC TENNESON, BOB HIGHTOWER,
18 TIM CARTER, and BRENT MOORE (hereafter “Pension Trustees”) are the Trustees of plaintiff
19 Pension Fund. They have been appointed and qualified as trustees pursuant to the Trust
20 Agreement establishing plaintiff Pension Fund.

21 8. Plaintiff NORTHWEST SHEET METAL WORKERS SUPPLEMENTAL
22 PENSION TRUST (hereafter “Supplemental Pension Trust”) is a labor-management pension
23 trust fund created pursuant to the provisions of Section 302(c) of the Act, 29 U.S.C. § 186(c),
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1 and authorized to sue in its own name by Section 502(d)(1) of ERISA, 29 U.S.C. § 1132(d)(1).
2 Plaintiff Pension Fund is administered in the State of Washington.

3 9. Plaintiffs ROBERT M. CARLTON, JR., JOHN GARRETT, JOHN CARTER,
4 JOHN MERK, DOUG NUGENT, JERRY FREEL, RIC TENNESON, BOB HIGHTOWER,
5 TIM CARTER, and BRENT MOORE (hereafter "Supplemental Pension Trust Trustees") are the
6 Trustees of plaintiff Supplemental Pension Trust. They have been appointed and qualified as
7 trustees pursuant to the Trust Agreement establishing plaintiff Supplemental Pension Trust
8 Trustees.

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10 10. Plaintiff WESTERN WASHINGTON SHEET METAL TRAINING TRUST
11 (hereafter "Training Trust") is a labor management training fund created pursuant to the
12 provisions of Section 302(c) of the Act, 29 U.S.C. § 186(c), and authorized to sue in its own
13 name by Section 502(d)(1) of ERISA, 29 U.S.C. § 1132(d)(1). Plaintiff Training Trust is
14 administered in the State of Washington.

15 11. Plaintiffs DOUG NUGENT, DEAN FOX, BRIAN FLUETSCH, DARYL HOOD,
16 DAVE GOUGH, TIM CARTER, JEFF STOWE, LANCE DEYETTE and MARK RIKER,
17 (hereafter "Training Trust Trustees") are the Trustees of plaintiff Training Trust. They have
18 been appointed and qualified as trustees pursuant to the Trust Agreement establishing plaintiff
19 Training Trust.

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21 12. Plaintiff NORTHWEST SHEET METAL LABOR MANAGEMENT
22 COOPERATION TRUST (hereafter "Cooperation Trust") is a labor-management trust fund
23 created pursuant to the provisions of Section 302(c) of the Act, 29 U.S.C. § 186(c), and
24 authorized to sue in its own name by Section 502(d)(1) of ERISA, 29 U.S.C. § 1132(d)(1).
25 Plaintiff Cooperation Trust is administered in the State of Washington.

1 Defendant, were calculated pursuant to a contribution reporting form required to be prepared
2 monthly by Defendant.

3 20. The completed contribution reporting form and accompanying payment were due
4 at the Welfare office and address within fifteen (15) days after the end of each calendar month
5 and were considered delinquent if not received within 20 days after the end of each calendar
6 month.

7 21. For the period beginning June 2015 and continuing to the present, Defendant has
8 failed either timely or entirely to file its contribution reporting forms and to make all payments
9 due to Plaintiffs despite its obligation under the collective bargaining agreements to do so and
10 despite demand by Plaintiffs.

11 22. The dollar amount due to Plaintiffs cannot be ascertained without reviewing
12 Defendant's employment records for the period in question.

13 23. Unless ordered by this Court, Defendant will continue to refuse to file
14 contribution reporting forms and to pay to the Welfare, Pension, Supplemental Pension,
15 Organizational, Cooperation and Training Trusts, and Local 66 the payments due to them. As a
16 result, Plaintiffs will be irreparably damaged.

17 24. In addition to the unpaid contributions, Plaintiffs are entitled to the following
18 pursuant to Section 502(g) of ERISA, 29 U.S.C. § 1132(g), and Section 301 of the Act, 29
19 U.S.C. § 185, as amended:
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21 (a) Interest on the unpaid or delinquent contributions;

22 (b) An amount equal to the greater of:

23 (i) interest on the unpaid contributions (hereinafter "penalty"), or
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(ii) liquidated damages in an amount equal to 20% of the amount awarded as unpaid or delinquent contributions, as provided for in the Trust Agreement (hereinafter “liquidated damages”); and

(c) Reasonable attorneys’ fees and the costs of this action.

25. A copy of this complaint will be served upon the Secretary of Labor and the Secretary of the Treasury by certified mail as required by ERISA, 29 U.S.C. § 1132(h).

WHEREFORE, Plaintiffs demand judgment against the Defendants:

1. Obliging Defendant to pay to Plaintiffs Welfare, Pension, Supplemental Pension, Organizational, Cooperation and Training Trusts, and Local 66, the full amount of contributions owing to Plaintiffs for the period from June 2015 to date of judgment, with the proper amount of interest and with a penalty or liquidated damages as established by Section 502(g) of ERISA, 29 U.S.C. § 1132(g), the Trust Agreement, and the collective bargaining agreement;

2. Restraining and enjoining Defendant, its officers, agents, servants, attorneys, and all persons acting on its behalf or in conjunction with it from: (a) refusing to file contribution reporting forms due to Plaintiffs Welfare, Pension, Supplemental Pension, Organizational, Cooperation and Training Trusts, and Local 66 for the period from June 2015 to the date of judgment, and for all periods thereafter for which Defendant is obligated to file such reports under the terms of the collective bargaining agreements, and (b) refusing to pay to Plaintiffs Welfare, Pension, Supplemental Pension, Organizational, Cooperation and Training Trusts, and Local 66 all funds, including interest, penalties, and liquidated damages, due for the period June 2015 to the date of judgment, and for all periods thereafter for which

1 Defendant is obligated to make payments under the terms of the collective bargaining
2 agreements;

3 3. Requiring Defendant to pay to Plaintiffs' reasonable attorneys' fees and the costs
4 of this action as set forth in Section 502(g) of ERISA 29 U.S.C. § 1132(g); and

5 4. Granting Plaintiffs such further and other relief as may be just and proper.

6 DATED this 29th day of December, 2015.

7
8 s/Daniel Hutzenbiler

Daniel Hutzenbiler, WSBA No. 36938

9
10 s/Margaret Burnham

Margaret Burnham, WSBA No. 47860

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